IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

WP(C).No. 2687 of 2007(T)

PETITIONER:

THE PATTOM SERVICE CO-OPERATIVE BANK
LTD.NO.1318, REPRESENTED BY ITS PRESIDENT.

BY ADV. SRI.B.S.SWATHY KUMAR
SMT.P.A.ANITHA

RESPONDENTS:

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1. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), TRIVANDRUM.

2. THE ASSISTANT REGISTRAR (GENERAL) OF
CO-OP. SOCIETIES, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.P.N. SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

W.P.(C). 2687/2007

Dated this the 23rd day of January, 2007

JUDGMENT

The first respondent, the Joint Registrar, had issued an order dated 2.1.2007, directing the Unit Inspector of Kazhakkuttom attached to the office of the second respondent, to conduct an enquiry under Section 65 of the Kerala Co-operative Societies Act, 1969, in short 'the Act', on the grounds, inter alia, that in the report of the Unit Inspector of Pattom, there had been certain defects noted and was directed to be rectified.

2. However, it is submitted by the learned counsel that the Inspector, who inspected the writ petitioner, bank, had left the office on 11.12.2006 at 5.30. p.m. The report dated 2.1.2007 was based on the report of the second respondent, on the same day. The counsel alleges that there is a malafide act on the part of the second respondent to give such a report which is unacceptable, as no opportunity was given to the writ

petitioner, bank, to cure the defects.

3. I heard the arguments advanced by the learned counsel for the writ petitioner as well as the learned Senior Government Pleader.

4. The counsel for the writ petitioner brought to my notice that the defects, noted by the Unit Inspector, are curable and in fact had already been cured and, therefore, no further action is required. It is therefore, submitted by the learned counsel that an opportunity be given to the writ petitioner, bank, to submit all these facts before the first respondent, so that unnecessary action on the bank, which would adversely affect its credibility, could be averted.

5. In the above facts situation, I set aside Ext.P8 and direct the first respondent to independently assess, analyse and appreciate the facts, that are placed before him. He may also call for further information through the Unit Inspectors, if so found necessary, and shall pass, after hearing the writ petitioner bank, such orders as are found necessary.

6. I make it clear that he got no restrictions in following the provisions contained under Section 65 of the Act, provided he is bonafide satisfied of such action.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs